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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GOTTSCHALK, MARTIN A

ART UNIT

PAPER NUMBER

3696

NOTIFICATION DATE

DELIVERY MODE

09/21/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/069,106	<b>Applicant(s)</b> YAMAGUCHI ET AL.	
	<b>Examiner</b> MARTIN A. GOTTSCHALK	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/18/2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Notice to Applicant*

1. Claims 33-43 are pending. Claims 1-32 have been cancelled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 33-35 and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenig (US Pat# 7,167,855) in view of Anwar (US Pat# 6,750,864).

**As per claims 33, 34, and 35,** Koenig teaches an information supply system (Koenig: col 4, lns 1-5) having

a server connected to a network (Koenig: Fig 1)

and

a terminal which requests, from said server, information over said network  
(Koenig: col 4, Ins 60-63),

said server connecting to a database that stores supply information and a  
plurality of specified information for each supply information (Koenig: col 4, Ins 9-  
18),

said server transmitting ranked supply information using the plurality of specified  
information and a plurality of weightings related to the specified information to  
said terminal according to a request from said terminal, said plurality of  
weightings being entered from said terminal (Koenig: col 9, Ins 60-66; Fig 10.  
The Examiner considers the skill level to be a type of rank, and the priority to be  
a type of weight; col 20, Ins 17-49),

said information supply system comprising:

a calculator that calculates standard deviations related to each specified  
information to determine a plurality of ratings for the specified information

for each supply information(Koenig: col 21, lns 27-33);

a ranker that ranks the supply information using a score that is obtained from a weighted average of the plurality of ratings using the plurality of weightings (Koenig: col 21, lns 15-54;),

and

a displayer that displays information having a highest score for said ranked supply information and other information of said ranked supply information on a results display area of a display of said terminal (Koenig: col 21, lns 50-53),

and

that displays a difference between scores of said information having the highest score and other information of said ranked supply information

on the results display area of the display of said terminal as a distance from a center of the results display of said terminal(Koenig: col 21, lns 15-37, note the differences between provider and requestor levels are used in

the formula, and these are subsequently displayed. See below for the  
“center of the results’ feature),

and

that dynamically displays a change of centered information and changes  
in distance of said ranked supply information from the center of the results  
display area of the display of said terminal in response to changes in said  
weightings transmitted from said terminal (Koenig: col 10, Ins 20-30; col  
14, Ins 12-26, i.e. updates provide changes that will be displayed as per  
the previous steps above; col 20, Ins 57-65).

Koenig teaches graphic display of information as cited above, but fails to  
explicitly teach the data displayed in a concentric arrangement. However, this feature is  
taught by Anwar. Anwar teaches methods of displaying multi-dimensional data in  
different formats to improve visualization of large amounts of data (Anwar: col 1, Ins 21-  
24). One such method is known as a “Multidimensional Decision Tree Visualizer” or  
MDTV (Anwar: col 20, ln 35 to col 24, ln 60; Figs 8a, b, and 9-11). This method  
constructs decision trees with a parent root node as the center-most ring, and  
subsequent generations of child branches represented as concentric rings surrounding  
the parent (Anwar: col 20, Ins 38-44). The data of Koenig could be adapted by the  
system of Anwar to produce the features of

the center of the results display area being associated with the highest score,  
and

each of said displayed information being concentrically arranged about said information having the highest score,

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Koenig with the method of Anwar (e.g. the MDTV technique) with the motivation of displaying multi-dimensional data in a format that improves its visualization (Anwar: col 1, lns 21-24).

5. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenig as applied to claim 33 in view of Anwar, and further in view of Baker et al (US Pat# 6,405,204, hereinafter Baker), and further in view of Siegel et al (US Pat# 6,018,723, hereinafter Siegel).

**As per claims** 36 and 37, Koenig teaches the information supply system of claim 33, wherein said specified information comprises investment information includes

a theoretical value (Koenig: col 21, lns 15-59),

an up and down rate (Koenig: col 2, lns 48-59),

Koenig fails to explicitly teach the remaining features of the claim, however, these features are well known in the art as taught by Baker who teaches alerting investors to corporate financial performance based on certain well known financial parameters such as

return on equity (ROE), earnings per share (EPS), price earning rate (PER), and a price book-value ratio (PBR) (Baker: abstract)

and

an appropriateness of a stock price (Baker: abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the system of Koenig, who provides an example primarily in the biotech business sector, with the teachings of Baker to provide comparative valuation data of companies in a plurality of business sectors (Baker: col 2, lns 27-37).

Koenig further fails to explicitly teach the remaining features of the claim, however, these features are well known in the art as taught by Siegel who teaches



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wherein the specified investment information determines a bankruptcy probability (Siegel: col 3, lns 33-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Koenig with the teachings of Siegel, with the in order to incorporate financial risk information (Siegel, col 3, lns 30-34) into the assessment system of Koenig.

**As per claims 38, 39, and 40,** Koenig teaches the information supply system of claim 33, wherein the information supply system enables an automated comparison of one of:

organizational entities,

commodities,

and

services described by the supply information (Koenig: abstract).

**As per claims 41, 42, and 43,** Koenig teaches the information supply system of claim 33, wherein the ranked supply information facilitates at least one of:

selection of

an organizational entity,

commodity

or

service (Koenig: abstract)

and

purchase of an investment vehicle corresponding to the supply information.

### ***Response to Arguments***

6. Applicant's arguments refer only to new claims added by amendment. Applicant is referred to the reasons and citations provided above in the rejections of those claims.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches methods for providing financial information and risk assessment.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARTIN A. GOTTSCHALK** whose telephone number is (571)272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5:00.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A. G./  
Examiner, Art Unit 3696

/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696